

## Message Text

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CIAE-00 DODE-00 PM-09 H-02 INR-10 L-03 NSAE-00 NSC-10

PA-03 RSC-01 PRS-01 SS-15 USIA-12 EB-11 COME-00 FBO-01

RSR-01 /115 W

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R 251515 Z APR 73

FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC 8323

C O N F I D E N T I A L SECTION 1 OF 2 MOSCOW 4701

E. O. 11652: GDS

TAGS: PFOR, CASC, UR, US

SUBJ: MFA STATEMENT, EMBASSY NOTE ON DETAINED STUDENTS

REF: MOSCOW 4505

1. SUMMARY: SOVIET MFA USA DIVISION CHIEF IN ORAL STATEMENT SAID SEVEN STUDENTS WHO STAGED OVIR SIT- IN WERE TREATED LENIENTLY IN ORDER NOT TO BURDEN U. S.- SOVIET RELATIONS. HE DESCRIBED THEIR DEPARTURE AS " EXPULSION" FROM USSR. EMBASSY NOTE TO MFA EXPRESSED SATISFACTION WITH OUTCOME BUT DREW ATTENTION TO SOVIET REFUSAL ALLOW STUDENTS TO TELEPHONE EMBASSY WHEN DETAINED, BRUISES SUFFERED DURING DETENTION, ETC. KORNIYENKO EXPRESSED SURPRISE AT EMBASSY CLAIMS AND REFUTED THEM AS GROUNDLESS. END SUMMARY

2. KORNIYENKO, CHIEF OF USA DIVISION, CALLED IN CHARGE ON APRIL 25 TO MAKE ORAL STATEMENT ( TEXT BELOW) CONCERNING ACTIVITIES OF SEVEN STUDENTS DETAINED AT OVIR ON APRIL 20. CHARGE, IN RESPONSE, PRESENTED FORMAL EMBASSY NOTE EXPRESSING SATISFACTION OVER OUTCOME BUT DRAWING MFA' S ATTENTION TO FACT THAT STUDENTS EVIDENTLY PREVENTED FROM TELEPHONING EMBASSY AND SUFFERED SOME BRUISES AND TORN CLOTHING DESPITE FACT THEY OFFERED NO RESISTANCE TO ARREST. NOTE ALSO REGRETTEED SOVIET  
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FAILURE INFORM EMBASSY OF IDENTITY OF STUDENTS AND LOCATION OF THEIR DETENTION.

3. KORNIYENKO ASSUMED INDIGNANT AND OFFENDED ATTITUDE, SAYING HE WAS SURPRISED AND INCREDULOUS THAT EMBASSY SHOULD MAKE ANY CLAIMS AT ALL IN LIGHT OF LENIENT TREATMENT SHOWN STUDENTS. HE REJECTED REFERENCE IN OUR NOTE TO CONSULAR CONVENTION, NOT ONE PARAGRAPH OF WHICH HAD BEEN VIOLATED. NOTIFICATION HAD BEEN PROVIDED WITHIN PERIOD SPECIFIED BY CONVENTION. HE ATTRIBUTED ANY BRUISES TO BEHAVIOR OF STUDENTS THEMSELVES. HE ASKED RHETORICALLY HOW RESPONSIBLE SOVIET ORGANIZATIONS WOULD REACT TO THIS KIND OF NOTE WHICH COMPLAINED RATHER THAN SAYING THANK YOU.

4. CHARGE REITERATED APPRECIATION FOR SATISFACTORY OUTCOME EXPRESSED IN OPENING PARAGRAPH OF EMBASSY'S NOTE. HE PERSONALLY ACKNOWLEDGED AND EXPRESSED APPRECIATION FOR OFFICIAL NOTIFICATION OF DETENTION IN RELATIVELY SHORT PERIOD OF TIME. HE OBSERVED THAT WE WERE MAKING NO CHARGES OF VIOLATION OF CONSULAR CONVENTION, BUT MERELY DRAWING ATTENTION TO FAILURE OF AUTHORITIES TO ALLOW U. S. CITIZENS TO COMMUNICATE WITH EMBASSY BY TELEPHONE WHEN THEY SOUGHT TO DO SO. HE TOOK NOTE OF KORNIYENKO'S COMMENT ON ORIGIN OF BRUISES. FINALLY, HE SAID U. S. EXPECTED FOREIGN VISITORS TO ABIDE BY U. S. LAWS IN THE UNITED STATES, AND SOVIETS HAD RIGHT TO EXPECT SAME FROM U. S. CITIZENS WHILE THEY WERE GUESTS IN THE SOVIET UNION. KORNIYENKO SEEMED SOMEWHAT PLACATED, BUT GRUMBLED THAT EMBASSY EXPRESSED APPRECIATION AND THEN CANCELLED IT OUT BY ITS COMPLAINTS.

5. CONVERSATION ENDED AMICABLY WITH CHARGE'S INQUIRING INTO STATUS OF REQUEST FOR COMMERCIAL OFFICE PREMISES, WHICH KORNIYENKO SAID HE WOULD LOOK INTO BUT COULD OFFER NO INFORMATION TODAY.

6. EMBASSY TRANSLATION FOLLOWS OF TEXT OF ORAL STATEMENT HANDED OVER BY KORNIYENKO. IF ANYTHING, IN READING IT HE SOFTENED LANGUAGE, EXCEPT FOR INTERJECTION OF PERSONAL VIEW THAT STUDENTS NOT ONLY COULD HAVE BEEN CHARGED BUT "SHOULD HAVE."

A. BEGIN TEXT. AS THE MINISTRY OF FOREIGN AFFAIRS OF THE USSR HAS BECOME AWARE, ON APRIL 20, 1973, SEVEN U. S. CONFIDENTIAL

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CITIZENS BURST INTO THE PREMISES OF OVIR (OFFICE OF VISAS AND REGISTRATION) OF THE DIVISION OF INTERNAL AFFAIRS OF THE MOSCOW CITY EXECUTIVE COMMITTEE: ALAN BINDIGER, BORN 1954; JOSEPH KLEIN, BORN 1953; JULES LEVENTHAL, BORN 1953; PHILIP PULVER, BORN 1954; HARVEY FRIEDMAN, BORN 1953; RIVKA FOGEL, BORN 1956; ROBIN SCHWARTZ, BORN 1955. ALL OF THEM ARE STUDENTS AT VARIOUS COLLEGES WHO CAME TO THE USSR ON APRIL 16 IN A

GROUP OF TOURISTS.

B. IN THE PREMISES OF OVIR THEY CREATED A RUCKUS: THEY TORE UP AN OFFICIAL DOCUMENT LYING ON A DESK, BROKE A TELEPHONE INSTRUMENT, INSULTED EMPLOYEES OF OVIR, AND TRIED TO BARRICADE THE DOOR BY USING STEEL CABINETS IN THE ROOM.

C. THE AMERICAN CITIZENS WERE DETAINED FOR HOOLIGAN ACTIVITIES BY THE POLICE, AND THE EMBASSY WAS INFORMED OF THIS. ACCORDING TO SOVIET LAW THEY COULD HAVE BEEN CRIMINALLY CHARGED.

D. HOWEVER, TAKING INTO ACCOUNT THE POSITIVE DEVELOPMENT OF SOVIET- U. S. RELATIONS AND BEING GUIDED BY A DESIRE NOT TO BURDEN THESE RELATIONS WITH VARIOUS KINDS OF JUDICIAL PROCEEDINGS, THE PERTINENT SOVIET ORGANIZATIONS CONSIDERED IT POSSIBLE NOT TO PRESS CHARGES AGAINST THE AFOREMENTIONED U. S. CITIZENS; THE DECISION WAS TAKEN TO EXPEL THEM FROM THE SOVIET UNION.

E. THE MFA OF THE USSR DRAWS THE ATTENTION OF THE U. S. EMBASSY TO THE INADMISSIBILITY OF SUCH BEHAVIOR BY AMERICAN CITIZENS IN SOVIET TERRITORY AND EXPECTS THAT THE AMERICAN SIDE WILL TAKE APPROPRIATE MEASURES TO ELIMINATE SUCH OCCURRENCES IN THE FUTURE. END TEXT.

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R 251515 Z APR 73

FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC 8324

C O N F I D E N T I A L SECTION 2 OF 2 MOSCOW 4701

7. THE TEXT OF EMBASSY'S NOTE NO. 354, DATED APRIL 25, 1973 FOLLOWS.

BEGIN TEXT. THE EMBASSY OF THE UNITED STATES OF AMERICA WISHES TO EXPRESS TO THE MINISTRY OF FOREIGN AFFAIRS OF THE UNION OF SOVIET SOCIALIST REPUBLICS ITS SATISFACTION THAT THE INCIDENT OF APRIL 20 AT THE MOSCOW OVIR INVOLVING SEVEN AMERICAN CITIZENS WAS RESOLVED AND THE YOUNG PERSONS

WERE PERMITTED TO LEAVE THE SOVIET UNION AS ORIGINALLY SCHEDULED.

THE EMBASSY AT THE SAME TIME WOULD LIKE TO CALL THE MINISTRY' S ATTENTION TO THE FACT THAT THE SEVEN AMERICAN CITIZENS REQUESTED TO COMMUNICATE WITH THE AMERICAN EMBASSY ON NUMEROUS OCCASIONS DURING THEIR DETENTION AT SUCCESSIVE MILITIA STATIONS, BUT WERE DENIED THE RIGHT TO DO SO. IT IS REQUESTED THAT THE MINISTRY REMIND THE RESPONSIBLE LOCAL OFFICIALS OF THE RIGHT OF AMERICAN CITIZENS, WHETHER LEGALLY DETAINED OR NOT, TO COMMUNICATE WITH THEIR OFFICIAL REPRESENTATIVES. ARTICLE 12 OF THE U. S. - U. S. S. R. CONSULAR CONVENTION NOT ONLY GUARANTEES THE RIGHT OF A CONSULAR OFFICER TO COMMUNICATE WITH THE NATIONALS OF HIS STATE, BUT ALSO PROVIDES THAT HIS NATIONALS SHALL HAVE THE RIGHT OF ACCESS ( BY TELEPHONE, IF NECESSARY) TO THEIR OWN CONSULAR ESTABLISHMENT.

THE EMBASSY ALSO CONSIDERS IT REGRETTABLE THAT THE  
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MINISTRY ITSELF DID NOT INFORM THE EMBASSY OF THE IDENTITY OF LOCATION OF THE DETAINED STUDENTS, THOUGH THE INFORMATION WAS KNOWN TO SOVIET ORGANS.

THE EMBASSY ALSO WISHES TO CALL THE ATTENTION OF THE MINISTRY TO THE FACT THAT THE YOUNG AMERICANS, WHILE OFFERING NO RESISTANCE, WERE ASSAULTED AND OTHERWISE ROUGHLY TREATED BY CERTAIN UNIFORMED AND PLAINCLOTHES OFFICIALS DURING THEIR DETENTION. EMBASSY OFFICERS WHO SPOKE WITH THE STUDENTS CAN CONFIRM THE BRUISES WHICH SOME MEMBERS OF THE GROUP BORE, AS WELL AS THEIR TORN CLOTHING. SINCE SUCH TREATMENT CLEARLY VIOLATES INTERNATIONAL AS WELL AS SOVIET STANDARDS FOR THE TREATMENT OF DETAINEES, THE EMBASSY REQUESTS THE MINISTRY TO BRING THESE FACTS TO THE ATTENTION OF THE APPROPRIATE AUTHORITIES FOR THE IDENTIFICATION AND PUNISHMENT OF THOSE RESPONSIBLE.

THE EMBASSY WOULD APPRECIATE THE MINISTRY' S ASSISTANCE IN THE ABOVE MATTERS. END TEXT.  
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